

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRYAN GOYER,

Petitioner,

v.

No. 1:15-cv-01185-JDB-egb

UNITED STATES OF AMERICA,

Respondent.

ORDER GRANTING MOTION FOR EXTENSION OF TIME
AND
HOLDING CASE IN ABEYANCE

On January 28, 2019, the Court denied Petitioner, Bryan Goyer's, 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence (the "Petition"). (Docket Entry ("D.E.") 22.) Judgment was entered the next day. (D.E. 23.) On February 25, 2019, Petitioner, through counsel, filed a motion seeking relief from judgment under Federal Rules of Civil Procedure 59(e) and 60(b). (D.E. 24.) The motion also requested that the matter be held in abeyance pending a decision by the United States Supreme Court in *Quarles v. United States*, 139 S. Ct. 1872 (2019), and a ruling by the Sixth Circuit in *United States v. Buie*, No. 18-6185 (6th Cir.). (*Id.* at PageID 90, 95–96.) The Court ordered Respondent, United States of America, to respond to the motion. (D.E. 27.) Now before the Court is Respondent's motion for an extension of time to respond. (D.E. 28.) The Government notes that the Supreme Court has since decided *Quarles*, but "requests that this matter be held in abeyance, as previously requested by the defendant, and that counsel for the government be allowed 28 days from the Sixth Circuit Court of Appeals' ruling in *United States v. Buie*, No. 18-6185, to file a response to [Petitioner's] motion." (*Id.* at PageID 115.)

For good cause shown, Respondent's motion is GRANTED. Proceedings in this case are HELD IN ABEYANCE pending the Sixth Circuit's decision in *Buie*. Respondent shall have twenty-eight days from the ruling in *Buie* to file its response to Petitioner's post-judgment motion.

IT IS SO ORDERED this 29th day of October 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE